

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN ROBERT DEMOS, JR.,

Plaintiff,

v.

MIKE PENCE, et al.

Defendant.

CASE NO. C21-109 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 2, and Plaintiff John Demos’s objections to the R&R, Dkt. 3.

Plaintiff is well-known locally and nationally as an abusive litigant. He is under pre-filing bar orders in a number of courts, including this Court, the Eastern District of Washington, the Washington State courts, the Ninth Circuit Court of Appeals, and the United States Supreme Court. *See, e.g., Demos v. Storrie*, 507 U.S. 290, 291 (1993). An Order of this Court provides for the return without filing of any petition that seeks an extraordinary writ pursuant to 28 U.S.C. §§ 1651, 2253, or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-JLW (W.D. Wash. Mar. 13, 1997). In

1 addition, Plaintiff may submit only three IFP applications and proposed actions each  
2 year. *See In re John Robert Demos*, MC91-269-CRD (W.D. Wash. Jan. 16, 1992); *In re*  
3 *Complaints and Petitions Submitted by John Robert Demos* (W.D. Wash. Dec. 15, 1982).  
4 Furthermore, under 28 U.S.C. § 1915(g), Plaintiff must demonstrate “imminent danger of  
5 serious physical injury” to proceed IFP because he has had more than three prior actions  
6 dismissed as frivolous, malicious, or for failure to state claim. *See Demos v. Lehman*,  
7 MC99-113-JLW (W.D. Wash. Aug. 23, 1999).

8 Plaintiff filed his first two IFP applications and proposed actions this year on  
9 January 26, 2021. Dkt. 1. On February 1, 20201, Judge Fricke recommended that the  
10 Court deny his IFP application as he does not meet § 1915(g)’s imminent danger  
11 requirement and that the Court dismiss his complaint without prejudice as it is frivolous  
12 and seeks damages from defendants who are protected by immunity. Dkt. 3. On February  
13 13, 2021, Plaintiff filed objections. Dkt. 3.

14 The district judge must determine de novo any part of the magistrate judge’s  
15 disposition that has been properly objected to. The district judge may accept, reject, or  
16 modify the recommended disposition; receive further evidence; or return the matter to the  
17 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

18 Plaintiff’s objections are insufficient. The R&R meets the requirements to apply  
19 § 1915(g) in this case. The Court agrees with Judge Fricke’s recommendations.

20 The Court having considered the R&R, Plaintiff’s objections, and the remaining  
21 record, does hereby find and order as follows:

22 (1) The R&R is **ADOPTED**;

1 (2) Plaintiff's application to proceed in forma pauperis, Dkt. 1, is **DENIED** and  
2 the complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. §  
3 1915(g) and (e); and

4 (3) The Clerk shall enter a JUDGMENT and close the case.

5 Dated this 22nd day of March, 2021.

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8 BENJAMIN H. SETTLE  
9 United States District Judge  
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